IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 87 OF 2004
IN
FAMILY COURT APPEAL NO. 33 OF 1998

Arun Rangnath Kadu ... Applicant

Vs.

Savita Arun Kadu ... Respondent

Mr. H.S.S. Murthy for Applicant.

Mr. G.P. Mulekar for Respondent.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : AUGUST 30, 2004
P.C. :

1. This is an application to set aside dismissal of the appeal. The delay is of four years and five months. On behalf of the Respondent, learned counsel contends that considering long delay, really speaking, this is not a case where the delay should be condoned. The learned counsel however points out that the appellant is working in the films division of Government of India and is drawing salary of Rs.7310/- per month. He is paying maintenance to the child at the rate of Rs.400/- per month only and that should be increased.

2. We are of the opinion that said plea is reasonable considering the facts and circumstances. The appellant is directed to pay to his minor daughter commencing from this month maintenance of Rs.1000/- per month instead of Rs.400/- per month which was being paid. First of such payment will be made on or before 10.9.2004 and every month thereafter till further orders of this court. The application accordingly allowed and made absolute in terms of Prayer Clause (a). Delay condoned. Appeal restored to file. Since respondent waives service, office objections dispensed with. If the appeal is ready for hearing, the same should be added to the Board already notified.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)